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December 12, 2002

Ex Parte Presentation

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

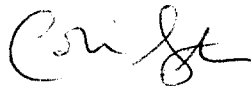
Re: *Application by SBC Communications Inc., et al. for Provision of In-Region,
InterLATA Services in California, WC Docket No. 02-306*

Dear Ms. Dortch:

On behalf of SBC Communications Inc. ("SBC"), I am writing to inform you that representatives of SBC spoke on the telephone yesterday with FCC staff to discuss Pacific's LNP performance. John Stanley and Renée Crittendon participated on behalf of the FCC. Gwen Johnson, Jan Price, Kelly Murray, and Colin Stretch participated on behalf of SBC. At the request of Commission staff, attached to this letter is information discussed during the meeting.

In accordance with the Commission's Public Notice, DA 02-2333 (Sept. 20, 2002), SBC is filing this letter electronically through the Commission's Electronic Comment Filing System.

Yours truly,



Colin S. Stretch

Attachment

cc: Emily Willeford
John Stanley
Renée Crittendon
Tracey Wilson

Lauren Fishbein
Brianne Kucerik
Phyllis White
Qualex International

LNP Performance

In a recent ex parte, AT&T asserts that, prior to the implementation of a mechanized NPAC check, Pacific's performance in provisioning LNP was insufficient to establish compliance with Checklist Item 11.¹ In truth, as we have demonstrated throughout this proceeding, Pacific's LNP processes prior to implementation of the NPAC check not only complied with industry standards and Commission precedent, its performance consistently met – and in most cases exceeded – the CPUC-approved benchmarks and standards. *See* Johnson Aff. ¶¶ 175-177 (App. A, Tab 12); E. Smith Reply Aff. ¶ 5 & nn.1-3 (Reply App., Tab 15); Ex Parte Letter from James Smith, SBC, to Commissioner Kevin Martin, FCC, at 4 (filed Dec. 9, 2002). AT&T contends that, aside from two performance measures discussed in more detail below, Pacific's measures are not designed to capture the extent to which Pacific's provisioning processes result in what AT&T terms "LNP service outages" – *i.e.*, end-user outages that occur when a CLEC, for whatever reason, seeks to cancel or reschedule a stand-alone LNP order on the due date, but Pacific does not stop the scheduled disconnect. *See* AT&T Dec. 9 Ex Parte at 3-4. Yet Pacific has also demonstrated – and AT&T has not disputed – that, in the three months prior to the implementation of the NPAC check, Pacific processed 99% of all AT&T requests to cancel or reschedule stand-alone LNP conversions without complaint by AT&T. *See* E. Smith Reply Aff. ¶ 7.

Recognizing that its LNP-related claims are belied by the data in the record, AT&T has now raised – at day 80 of the Commission's 90-day review process – various allegations regarding the reliability of PMs 15 and 17 in capturing so-called "LNP service outages." *See* AT&T Dec. 9 Ex Parte at 2-4. As an initial matter, PMs 15 and 17 do not, as AT&T appears to contend, track "outages." Rather, they track trouble reports. As AT&T itself states, those measures can nevertheless "reasonably be expected to capture [Pacific's] performance with respect to LNP service outages," *id.* at 2, because CLECs can reasonably be expected to submit trouble reports when their end-user customers are without service.

AT&T also appears to contend that each trouble related to an LNP service outage should be captured in *both* PM 15 *and* PM 17. *See id.* at 2-3. That is not so. PM 15 tracks trouble reports opened either prior to or on the date of service order completion. *See* Cusolito/Henry/Johnson/Motta Aff. ¶ 42 (App. A, Tab 5). PM 17 tracks trouble reports opened during the ten-day interval beginning the day after the date of service order completion. *Id.* ¶ 46. Between them, the two measures are designed to capture CLEC troubles reported during provisioning or within ten days after. They are not, however, designed to overlap.²

¹ *See* Ex Parte Letter from Richard Young on behalf of AT&T to Marlene Dortch, FCC (filed Dec. 9, 2002) ("AT&T Dec. 9 Ex Parte").

² At pages 198-99 of the CPUC Final Decision, the CPUC states that "PM 15 does not capture service outages for LNP orders either rescheduled or canceled at the last minute." Unless otherwise scheduled, when Pacific ports a number to a CLEC, Pacific disconnects the number in its switch after 10 p.m. Accordingly, in the usual case, where a CLEC's effort to reschedule an LNP order "at the last minute" results in a service outage, the CLEC will not be made aware of the outage until the next day. The resulting trouble will therefore be opened on that next day, and it will be captured in PM 17. Where the CLEC does open the trouble report on the originally scheduled date, however, the report is tracked in PM 15.

Finally, AT&T alleges that Pacific's reported data under PMs 15 and 17 did not accurately capture specific LNP service outages recorded by AT&T in October 2002. Specifically, AT&T claims that, while Pacific's reported October data for AT&T show 16 "outages" for PM 15 and two for PM 17, AT&T's "own data" show a total of 26 "outages," some portion of which do not match the "outages" Pacific purportedly reported. *See* AT&T Dec. 9, 2002 Ex Parte at 2-3. Again, PMs 15 and 17 track trouble reports, not "outages" per se. In any case, although AT&T attached Pacific's data to its ex parte, it did not include its "own data" that allegedly supports this claim. Pacific has since contacted AT&T for that information and is investigating the telephone numbers on which AT&T claims outages occurred. We note, however, that AT&T has not requested that Pacific reconcile the performance measurement data for PMs 15 or 17 on which Pacific relies in this Application (*i.e.*, for the time period from May 2002 forward). *See* Johnson Aff. ¶¶ 210-215 (discussing data reconciliations between Pacific and various CLECs); Johnson Reply Aff. ¶¶ 70-75 (same) (Reply App., Tab 10); *see also id.* ¶ 75 ("Pacific remains ready to engage in a data reconciliation when requested by a CLEC").